



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,860	05/07/2002	Dittmar Klett	1854	6213

7590 07/29/2003  
Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

DINH, TRINH VO

ART UNIT PAPER NUMBER

2821

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/019,860

Applicant(s)

KLETT ET AL.

Examiner

Trinh Vo Dinh

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-12 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This is a response to amendment filed 06/11/2003. The rejections of claims 1-11 under 35 USC & 112 second paragraph have been withdrawn in view of the amendment. Newly added claim 12 and amended claims 8-11 have been indicated allowable. However, Applicant's arguments with respect to the objection of the drawing, and to references Kato are not deemed to be persuasive. Therefore, the rejections of claims 1-2 based on Kato, and the objection of drawing are retained and repeated for the following reasons.

#### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "combustion chamber" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 remain rejected under 35 U.S.C. 102(b) as being anticipated by Kato et al (USP 5,877,584)

With respect to claim 1, Kato discloses, in Fig. 2, a spark plug (col. 1, line 28) having a middle electrode having base body (3) with an end face (Fig. 2) oriented toward a combustion chamber (Fig. 2, and col. 2, line 10+), wherein a precious metal platelet (5, 33, col. 4, lines 45+) is attached, wherein an end section of the electrode base body oriented toward the combustion chamber is formed in the shape of a truncated cone (31, 32 col. 4, lines 50+) in said precious metal platelet (5, 33), wherein the platelet is formed in the shape of a truncated cone (33, col. 4, lines 53+) and the diameter of the end face of the electrode base body oriented toward the chamber (Fig. 2) corresponds to a diameter of a planar end face of the precious metal platelet oriented away from the combustion chamber (Fig. 2).

With respect to claim 2, Kato discloses the opening angle of the end section of the electrode base body oriented toward the chamber is less than or equal to 180 degree and the opening angle of the metal platelet is less than or equal to 90 degrees and the opening angle of each opens in the direction oriented away from the chamber (Fig. 2) corresponds to a diameter of a planar end face (between 32 and 33 in Fig. 2) of the precious metal platelet oriented away from the combustion chamber (Fig. 2).

*Allowable Subject Matter*

4. Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 8-12 are presently allowed.

The cited art of record fails to teach the end section of the electrode having a second truncated cone-shaped region where the diameter of the end face of the first truncated cone-

shaped region oriented away from the chamber corresponds to the diameter of the end face of the second truncated cone-shaped region oriented toward the chamber.

***Response to the arguments***

6. With respect to drawing objection, Applicant submitted that specific illustration of the combustion chamber is not necessary for an understanding of the spark plug of the invention. Examiner respectfully disagrees. As recited in claim 1, there are specified relationships between the chamber and claimed features such as the electrode base body and the precious platelet. The drawings of the invention ***must show every feature of the invention*** as specified in claims. Specifically, in the application, the “combustion chamber” must be shown in drawings. Since the drawings fail to show every feature of the invention; therefore, the drawings remain objected as discussed in paragraph 1 above.

7. With respect to claim 1, Applicant argues, in page 17 of the argument, that the Kato reference fails to teach a truncated-cone shaped precious metal platelet. The examiner disagreed. The truncated-cone shaped metal platelet (33) is clearly shown in Fig. 2 and col. 4, lines 50+. Therefore, 102 rejections of claims 1-2 are proper.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

Art Unit: 2821

period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Inquiry***

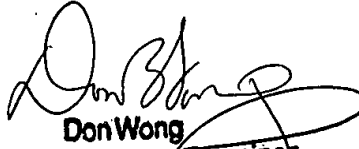
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (703) 305-4525. The examiner can normally be reached on Monday-Friday from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Art unit 2821

Trinh Vo Dinh  
July 15, 2003

  
Don Wong  
Supervisory Patent Examiner  
Technology Center 2800